



GAIL FARBER, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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September 08, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT
LOS ANGELES RIVER TRASH FULL CAPTURE -
CITY OF LOS ANGELES HIGH TRASH GENERATION AREA
CATCH BASIN RETROFIT
TO WEST COAST STORM, INC.
VARIOUS COMMUNITIES THROUGHOUT
THE CITY OF LOS ANGELES
(SUPERVISORIAL DISTRICTS 1, 2, AND 3)
(3 VOTES)**

SUBJECT

This action is to find the bid of the contractor with the lowest bid nonresponsive for failure to submit the proper bid security, award a public works construction contract for Los Angeles River Trash Full Capture - City of Los Angeles High Trash Generation Area Catch Basin Retrofit to the second lowest bidder, West Coast Storm, Inc., and authorize the Director of Public Works or her designee to execute the contract with the contractor for work involving installation of connector pipe screens in various communities throughout the City of Los Angeles.

IT IS RECOMMENDED THAT YOUR BOARD:

ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Find the contractor with the apparent lowest bid, California Building Evaluation and Construction, Inc., nonresponsive for failure to submit the proper bid security as required by Section 20129 of the Public Contract Code.
2. Award a construction contract to the contractor with the second lowest responsive bid, West Coast Storm, Inc., in the amount of \$549,640, for Project ID No. FCC0001100 - Los Angeles River Trash Full Capture - City of Los Angeles High Trash Generation Area Catch Basin Retrofit, to install connector pipe screens in various communities throughout the City of Los Angeles and authorize the Director of Public Works or her designee to execute the construction contract in the form previously approved by County Counsel and establish the effective date following receipt of approved Faithful Performance and Labor and Material bonds and insurance filed by the contractor.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to obtain the County of Los Angeles Board of Supervisors' (Board) approval to find the bid of the contractor with the lowest bid nonresponsive, award this construction contract to the contractor with the second lowest bid, West Coast Storm, Inc., and authorize the Director of Public Works or her designee to execute the contract and establish the effective contract date following receipt of approved bonds and insurance filed by the contractor for this project.

On April 21, 2009, Agenda Item 40, your Board approved the project, adopted the plans and specifications, called for bids to be received on May 19, 2009, instructed the Executive Officer of the Board to advertise the project, and authorized the Director of Public Works or her designee to award and execute a contract with a responsible contractor with the lowest responsive bid within the estimated cost range of \$625,000 to \$725,000.

On May 19, 2009, bids were opened, and the apparent lowest bid was from California Building Evaluation and Construction, Inc., in the amount of \$539,718.55. However, at the time of bid submittal, California Building Evaluation and Construction, Inc., did not submit the proper bid security for this project. Instead they submitted a bid bond referencing a different project.

Section 20129 of the Public Contract Code requires that all bids for construction work be presented under sealed cover and be accompanied by a bid bond or other bidder's security.

Accordingly, the bid of California Building Evaluation and Construction, Inc., should be found nonresponsive for failure to submit a proper bid security in accordance with Public Contract Code, Section 20129, and we recommend that the contract be awarded to the contractor with the second lowest responsive bid, West Coast Storm, Inc., in the amount of \$549,640.

The enclosure includes the project description, the call for bids and bid opening date, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal are also enclosed including addenda to the contract specifications for this project.

The recommended construction contract is necessary to execute a Board directed and approved Department of Public Works (Public Works) project in support of operational missions. Your Board's approval of the recommended contract award and the subsequent execution of the contract will ensure the timely completion of the project.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). The recommended action will help meet these goals by preventing trash from entering downstream receiving waters via the storm drain system.

FISCAL IMPACT/FINANCING

The recommended contract amount of \$549,640 will have no impact to the County General Fund.

The enclosure includes the amount of the recommended contract as compared with the engineer's estimate and the other bids received.

Funding for this project is included in the Los Angeles County Flood Control District Budget for Fiscal Year 2009-10. The enclosure includes more detailed fiscal and financial information.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel. The recommended contract was solicited on an open competitive basis and is in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the Chief Executive Officer's and your Board's requirements.

This contract contains terms and conditions supporting your Board's ordinances, policies, and programs, including but not limited to: County of Los Angeles' (County) Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; and the standard Board directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that; (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure the contract is awarded to a contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractor was considered before making this recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

ENVIRONMENTAL DOCUMENTATION

This project was found to be categorically exempt from the provisions of the California Environmental Quality Act at the time your Board called for bids. The specifics of this finding are included in the enclosure.

CONTRACTING PROCESS

The contract was solicited on an open competitive basis in accordance with the provisions of the Public Contract Code.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

To further increase contractor awareness of contracting opportunities with Public Works, this project was listed on the County website for upcoming bids.

Public Works will review and approve the faithful performance and payment bonds filed by the contractor.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the project is completed, it will have a positive impact by preventing trash from entering the downstream receiving waters via the storm drain system.

CONCLUSION

Please return one adopted copy of this letter to Public Works, Construction Division.

The Honorable Board of Supervisors

9/8/2009

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Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The script is cursive and fluid, with the first name "Gail" and last name "Farber" clearly distinguishable.

GAIL FARBER

Director

GF:JTS:sc

Enclosures

c: Chief Executive Office (Lari Sheehan)
County Counsel
Executive Office
Office of Affirmative Action Compliance

AWARD OF CONTRACT
September 8, 2009

PROJECT ID NO. FCC0001100 - LOS ANGELES RIVER TRASH FULL CAPTURE - CITY OF LOS ANGELES HIGH TRASH GENERATION AREA CATCH BASIN RETROFIT (various communities throughout the City of Los Angeles), Supervisorial Districts 1, 2, and 3

TYPE OF WORK: Installation of connector pipe screens into existing storm drain catch basins.

CALL FOR BIDS DATE: April 21, 2009 (Agenda Item 40)

BID OPENING DATE: May 19, 2009

BID SUMMARY:

Low	*West Coast Storm, Inc., a corporation 654 South Lincoln Avenue San Bernardino, California 92408 (909) 890-5700	\$549,640.00
2	G2 Construction, Inc.	\$585,691.00
3	*United Storm Water, Inc.	\$613,760.00
4	Environmental Construction, Inc.	\$657,440.00
5	*C.G. Construction	\$869,333.00
6	*Caliagua, Inc.	\$986,190.00

*MWBE

California Building Evaluation and Construction, Inc., submitted a bid in the amount of \$539,718.55; however, their bid failed to include a properly executed bid bond for this project. Therefore, their bid was considered nonresponsive and rejected as provided in the Instructions to Bidders.

FINANCIAL INFORMATION:

Amount of estimate	\$702,665.00
Amount of recommended contract	\$549,640.00
Amount of recommended contract below estimate	\$153,025.00

The amount of the recommended contract is 22 percent below the estimate.

Sufficient funds for this project are included in the Los Angeles County Flood Control District Budget for Fiscal Year 2009-10.

MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE DATA:

West Coast Storm, Inc., has no MWBE subcontractors/suppliers under this contract.

ENVIRONMENTAL IMPACT:

On April 21, 2009, Agenda Item 40, your Board found this project categorically exempt.

CONSTRUCTION SCHEDULE:

This project is to be completed in 90 working days. It is estimated the work will start in October 2009 and be completed in February 2010.

MR:sc